

REMARKS

The specification has been amended to recite the current history of this divisional application. Additionally, the updated Sequence Listing in Patent-In Version 3.2 with updated description fields and comprising 113 sequences is requested to be entered into the Specification, replacing the previous Sequence Listing in Patent-In Version 2.1. A paper copy of the updated Sequence Listing, as well as a computer diskette, and statements as required under 37 C.F.R. §§1.821(f) and (g) are provided herewith.

Pursuant to 37 C.F.R. § 1.118(a), Applicants respectfully submit that the foregoing amendments do not introduce any new material into the application. Each of the above amendments to the specification was previously entered in co-pending application U.S. Serial No. 09/470,770. Specifically, these amendments delete inaccurate accession numbers in Table 1, correct several typographical errors, correct an erroneous transposition of numbers in the second and third rows of Table 14, and provide inadvertently omitted dates and page numbers for three listed reference citations.

Claims 1-33, and 35 have been cancelled without prejudice to filing future divisional applications. With this amendment, there are now nine claims pending, namely claims 34, and 36-43. These claims are drawn to methods for preparing transgenic plants, seeds, and progeny plants. Claim 34 has been amended to recite gene segments independent of vector constructs, and also to include corn rootworm resistance as claimed subject matter of the present invention. Support for this amendment may be found on pages 89-91, 93-94, 96-97, 186, (relating to general methods for plant transformation, including by microprojectile bombardment or "particle gun" using DNA segments) and on pages 167-172 (relating to the

corn rootworm resistance) of the specification. Pursuant to 37 C.F.R. § 1.118(a), Applicants respectfully submit that the foregoing amendments do not introduce any new material into the application.

The Commissioner is authorized to charge the filing fee and claims fee to Deposit Account No. 01-2508/11792.0218.DVUS01.

Should any additional fees be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Deposit Account No. 01-2508/11792. 0218.DVUS01.

Respectfully submitted,



Patricia A. Kammerer
Reg. No. 29,775
Attorney for Assignee
MONSANTO TECHNOLOGY LLC

HOWREY SIMON ARNOLD & WHITE, LLP
750 Bering Drive
Houston, Texas 77057-2198
(713) 787-1400

Date: July 3, 2003